

EXHIBIT 5

FILED

SEP X 3 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: TFT-LCD (FLAT PANEL) ANTITRUST No. M 07-1827 SI
LITIGATION MDL No. 1827

This Order Relates To:

Best Buy Co., Inc. v. AU Optronics Corp.,
et al.,
Case No. 10-CV-4572 SI

Best Buy Co., Inc. v. Toshiba Corp., et
al.,
Case No. 12-CV-4114 SI

SPECIAL VERDICT

We the jury unanimously find as follows on the questions submitted to us:

United States District Court
For the Northern District of California

Question 1: Did Best Buy prove, by a preponderance of the evidence and in accordance with the instructions given to you, that Toshiba knowingly participated in a conspiracy to fix, raise, maintain or stabilize the prices of TFT-LCD panels?

Yes

No

Question 2: Did Best Buy prove, by a preponderance of the evidence and in accordance with the instructions given to you, that HannStar knowingly participated in a conspiracy to fix, raise, maintain or stabilize the prices of TFT-LCD panels?

Yes

No

If your answer to either Question 1 or 2 is "Yes," please answer the next question. If your answers to both Questions 1 and 2 are "No," please go to the end of the verdict form, and sign and date it where indicated.

United States District Court
For the Northern District of California

1 **Question 3:** Did Best Buy prove, by a preponderance of the evidence and in accordance with the
2 instructions given to you, that the conspiracy involved TFT-LCD panels and/or finished products (e.g.,
3 notebook computers, computer monitors, televisions, camcorders, cell phones and digital cameras
4 containing TFT-LCD panels) imported into the United States?

5
6 ☒ Yes

☐ No

7
8 If your answer to this question is "Yes," please answer the next question. If your answer to this question
9 is "No," please go to Question 5.

10 **Question 4:** Did Best Buy prove, by a preponderance of the evidence and in accordance with the
11 instructions given to you, that the conspiracy involving these imported TFT-LCD panels and/or finished
12 products produced substantial intended effects in the United States?

13 ☒ Yes

☐ No

14
15 Please answer the next question.

16
17 **Question 5:** Did Best Buy prove, by a preponderance of the evidence and in accordance with the
18 instructions given to you, that the conspiracy involved conduct which had a direct, substantial and
19 reasonably foreseeable effect on trade or commerce in the United States?

20 ☐ Yes

☒ No

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22 If your answer to either Question 4 or Question 5 is "Yes," please answer the next question. If your
23 answers to both Question 4 and Question 5 are "No," please go to the end of the verdict form, and sign
24 and date it where indicated.
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United States District Court
 For the Northern District of California

Question 6: Do you find, based on the preponderance of the evidence and in accordance with the Court's instructions, that Best Buy discovered the conspiracy to fix the prices of TFT-LCD panels prior to September 15, 2005?

Yes

No 

If yes, in what month and year did Best Buy discover the conspiracy?

Month

Year

If your answer to Question 6 is "No," please answer the next question. If your answer to Question 6 is "Yes," please go to Question 8.

Question 7: Do you find, based on the preponderance of the evidence and in accordance with the Court's instructions, that Best Buy discovered the conspiracy to fix the prices of TFT-LCD panels prior to February 5, 2006?

Yes

No 

If yes, in what month and year did Best Buy discover the conspiracy?

Month

Year

Question 8: Did Best Buy prove, by a preponderance of the evidence and in accordance with the instructions given to you, that it was injured as a result of the conspiracy in which one or both of the defendants knowingly participated?

Yes 

No

If your answer to this question "Yes," please answer the next question. If your answer to this question is "No," please go to the end of the verdict form, and sign and date it where indicated.

1
2 **Question 9:** For Best Buy's direct purchases only, what is the amount of damages Best Buy proved, by
3 a preponderance of the evidence and in accordance with the Court's instructions, that it suffered as a
4 result of the conspiracy?

5 \$ 7,471,943
6 (Please fill in a dollar amount total)
7

8 **Question 10:** For Best Buy's indirect purchases only, what is the amount of damages Best Buy proved,
9 by a preponderance of the evidence and in accordance with the Court's instructions, that it suffered as
10 a result of the conspiracy?

11 \$ 0
12 (Please fill in a dollar amount total)
13

14 Date: 9/3/13
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